UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

BROOKS,	Case No. 10-CV-890	
Plaintiffs,)	
) Action Filed:) Trial Date:	November 30, 2010 None Set
UMG RECORDINGS, INC.; JOE WHEELER; TEMPORAL SONGS, LTD.; LAURENCE MIZZEL; ALRUBY MUSIC, INC.; ALMO MUSIC CORP.; AMARU ENTERTAINMENT COMPANY,))))	
Defendants.)) _)	

<u>DEFENDANTS UMG RECORDINGS, INC. AND RONDOR MUSIC INTERNATIONAL, INC. D/B/A ALMO MUSIC CORP.'S MOTION TO STRIKE PORTIONS OF THE SECOND AMENDED COMPLAINT</u>

Defendants UMG Recordings, Inc. and Rondor Music International, Inc. d/b/a Almo Music Corp. (collectively referred to herein as the "UMG Defendants"), hereby move this Court for an Order pursuant to Federal Rule of Civil Procedure 12(f) striking the following requests for relief from the second Amended Complaint filed by Plaintiffs Robert Curington and his music publishing company, Ashley Brooks Music (collectively referred to herein as "Plaintiffs"), on the grounds that the requests are "redundant, immaterial, impertinent, or scandalous matter[s]":

- 1. Paragraph 31 in its entirety: "As a direct and proximate result of Defendants' infringement of Plaintiffs' exclusive rights, Plaintiffs are entitled to the maximum statutory damages pursuant to 17 U.S.C. § 504."
- 2. Paragraph 33 in its entirety: "Plaintiffs are entitled to costs, including reasonable attorneys fees pursuant to 17 U.S.C. § 505."

- 3. Prayer for Relief No. 2 in its entirety: "For an award to Plaintiffs of costs and reasonable attorneys' fees pursuant to 17 U.S.C. § 505."
 - 4. Prayer for Relief No. 4: "For statutory damages pursuant to 17 U.S.C. § 504."

The UMG Defendants are concurrently submitting a Brief in Support of this Motion.

WHEREFORE, the UMG Defendants respectfully request that this Court enter an order striking these requests for relief from the second Amended Complaint.

Dated this 9th day of May, 2011.

By: /s/ LINDA M. BURROW

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Attorneys for Defendants UMG Recordings, Inc. and Rondor Music International, Inc. d/b/a/ Almo Music Corp.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document was served on the Plaintiff in the manner designed below:

Via ECF:

FLORENCE A. BOWENS P.O. Box 51263 Durham, North Carolina 27717

Dated this 9th day of May, 2011

By: /s/ LINDA M. BURROW

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